



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/698,023

10/31/2003

Andrew J. Cleveland

40081

7136

24197

7590

10/19/2006

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER

DESCHERE, ANDREW M

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,023	Applicant(s) CLEVELAND, ANDREW J.	
	Examiner Andrew M. Deschere	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) ,
Paper No(s)/Mail Date <u>10/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 21 June 2006 has amended claims 1, 8, 9, and 19 to overcome minor informalities. Examiner's objections are withdrawn.

Claims 1-26 in co-pending application 10/732,837 have been cancelled. Examiner's provisional double patenting rejection is withdrawn.

The amendment filed 2 October 2006 has amended claims 1, 2, and 4-18 to provide clarity as to the use of visual displays.

Drawings

The drawings were received on 21 June 2006. These drawings are acceptable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-16, and 19-24 rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patents 6,628,009 (Chapel) 4,581,705 (Gilker).

Chapel discloses a load balanced polyphase power distributing system (Figures 1 and 4) with rack-mounted, elongated, vertically mounted power strips 30A, 30B, 30C, and 30D. Power is supplied to the system via polyphase input cables 4 and 5, and the system has outputs 31,

Art Unit: 2836

32, and 33 associated with phase inputs. Phase inputs 21, 22, and 23 are seen in the system input plug in Figure 3, along with neutral path 24 and ground path 25.

While Chapel discloses load balancing, there is no suggestion to use visual displays to report power information of multiple phases in the system. Gilker teaches a metering machine that may be combined with power distribution equipment (column 10, lines 29-41). A digital visual display (Figures 1 and 2) provides information about the instantaneous, average, or peak current of each of four phases. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the visual display of Gilker in the invention of Chapel in order to provide a user with visual indication of the current in each phase of a power distribution system, so that excessive current conditions may be avoided.

Claims 8-9, 17-18, and 25-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Chapel, Gilker, and United States Patent 4,528,497 (Arato).

A combination of Chapel and Gilker provides a polyphase power distribution system with a current phase display, but does not teach the use of a sensory or audible alarm. Arato teaches a fault monitoring system for electrical systems, and discloses that an overcurrent condition will actuate alarm circuitry (column 3, lines 52-55). Associated with the alarm circuitry are audible and visual alarms 60 (Figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide audible and visual alarms in the combination of Chapel and Gilker to provide a further safety measure to facilitate notification to the user of an overload condition.

Response to Arguments

Art Unit: 2836

Applicant's arguments with respect to the use of visual displays have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the use of an audible alarm in Arato would facilitate a user's knowledge of a potentially dangerous power condition.

Conclusion

Examiner notes that the phrase "power supply communication" is atypical language, and this phrase is not defined within the specification. This phrase is used in claims 1, 4, 5, 10, 12, 13, and 19. Examiner interprets the phrase "power supply communication" to imply a connection between elements.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,748,269 (Harris) teaches a rack mounted visual display. DE 3800721 (Giday) teaches a visual display for multiple phases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Deschere whose telephone number is (571) 272-8391. The examiner can normally be reached on M-F 8:30-6:00, every other Friday off.

Art Unit: 2836

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMD



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2836